

## § 831.1212

## 5 CFR Ch. I (1–1–05 Edition)

date of his or her subsequent separation. If, upon separation from such re-employment, the individual does not meet the eligibility requirements under subchapter III of chapter 83, title 5, United States Code, for title to annuity based on such separation, OPM will resume payment of the terminated annuity at the rate last payable, unless payment is otherwise barred.

[58 FR 12498, Sept. 4, 1993. Redesignated at 59 FR 27214, May 26, 1994]

### § 831.1212 Administrative review of OPM decisions.

The right to administrative review of an initial decision of OPM is set forth in § 831.109 of this part. The right to appeal a final decision of OPM to the Merit Systems Protection Board is set forth in § 831.110 of this part.

[58 FR 12498, Sept. 4, 1993. Redesignated at 59 FR 27214, May 26, 1994]

## Subpart M—Collection of Debts

SOURCE: 50 FR 34664, Aug. 27, 1985, unless otherwise noted.

### § 831.1301 Purpose.

This subpart prescribes procedures to be followed by the Office of Personnel Management (OPM), which are consistent with the Federal Claims Collection Standards (FCCS) (Chapter II of title 4, Code of Federal Regulations), in the collection of debts owed to the Civil Service Retirement and Disability Fund.

### § 831.1302 Scope.

This subpart covers the collection of debts due the Civil Service Retirement and Disability Fund, with the exception of the collection of court-imposed judgments, amounts referred to the Department of Justice because of fraud, and amounts collected from back pay awards in accordance with § 550.805(e)(2) of this chapter.

### § 831.1303 Definitions.

In this subpart—

*Additional charges* means interest, penalties, and/or administrative costs owed on a debt.

*Annuitant* means a retired employee or Member of Congress, spouse, wid-

ower, or child receiving recurring benefits under the provisions of subchapter III, chapter 83, of title 5, United States Code.

*Compromise* is an adjustment of the total amount of the debt to be collected based upon the considerations established by the FCCS (4 CFR part 103).

*Consumer reporting agency* has the same meaning provided in 31 U.S.C. 3701(a)(3).

*Debt* means a payment of benefits to an individual in the absence of entitlement or in excess of the amount to which an individual is properly entitled.

*Delinquent* has the same meaning provided in 4 CFR 101.2(b).

*FCCS* means the Federal Claims Collection Standards (Chapter II of title 4, Code of Federal Regulations).

*Offset* means to withhold the amount of a debt, or a portion of that amount, from one or more payments due the debtor. Offset also means the amount withheld in this manner.

*Reconsideration* means the process of reexamining an individual's liability for a debt based on—

- (1) Proper application of law and regulation; and
- (2) Correctness of the mathematical computation.

*Repayment schedule* means the amount of each payment and number of payments to be made to liquidate the debt as determined by OPM.

*Retirement fund* means the Civil Service Retirement and Disability Fund.

*Voluntary repayment agreement* means an alternative to offset that is agreed to by OPM and includes a repayment schedule.

*Waiver* is a decision not to recover a debt under authority of 5 U.S.C. 8346(b).

### § 831.1304 Processing.

(a) *Notice*. Except as provided in § 831.1305, OPM will, before starting collection, tell the debtor in writing—

- (1) The reason for and the amount of the debt;
- (2) The date on which the full payment is due;
- (3) OPM's policy on interest, penalties, and administrative charges;